

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABRIELA CARMONA and EDNA SEPULVEDA (on behalf of all others similarly situated),

Plaintiffs,

-against-

SPANISH BROADCASTING SYSTEM, INC., and ALL STAR VACATION MARKETING GROUP, INC.,

Defendants.

Civil Action No. 08-CV-4475
(LAK/GWG)

DEFENDANT, ALL STAR VACATION MARKETING GROUP, INC.'S NOTICE OF MOTION TO DISMISS AND MOTION TO STRIKE PORTIONS OF PLAINTIFFS' FIRST AMENDED CLASS ACTION COMPLAINT

PLEASE TAKE NOTICE that, pursuant to Federal Rule 12, Defendant, All Star Vacation Marketing Group, Inc. ("All Star"), will move this Court before the Honorable Lewis A. Kaplan, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 14D, New York, New York 10007, at a date and time to be scheduled by the Court, for an Order granting All Star's Motion to Dismiss as to Plaintiffs' First Amended Class Action Complaint and for such other and further relief as this Court deems proper.

The motion is made on the basis that Plaintiffs have failed to state a cause of action and have otherwise failed to comply with Federal Rules of Procedure 8(a) and 9(b) and therefore, Plaintiffs' First Amended Class Action Complaint should be dismissed. This motion is also made on the basis that portions of the Plaintiffs' First Amended Class Action Complaint should be stricken. The motion is based on the Memorandum of Law attached hereto, the Amended Class Action Complaint attached hereto and the Declaration of Robertson D. Beckerlegge, with

attached exhibit; the documents and pleadings on the file herein, and such other oral or documentary evidence as may be considered at or before the time of any hearing on this motion.

ORAL ARGUMENT IS REQUESTED.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1(b)(2) of the Local Civil Rules of this Court, papers in opposition to this motion, if any, shall be served upon the undersigned within ten business days after service of the moving papers.

PLEASE TAKE FURTHER NOTICE that All Star intends to file and serve reply papers.

Dated this 3rd day of July, 2008.

BAKER & HOSTETLER LLP

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Attorneys for Defendant, All Star Vacation Marketing Group, Inc.

090733, 000002, 501942088.1, Notice of Motion to Dismiss (All Star)